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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/701,241      | 11/04/2003  | William J. Begley    | 87164AEK            | 5245             |

7590 04/12/2005

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| EXAMINER |
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GARRETT, DAWN L

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| ART UNIT | PAPER NUMBER |
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1774

DATE MAILED: 04/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                               |  |
|------------------------------|-------------------------------|-------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/701,241 | Applicant(s)<br>BEGLEY ET AL. |  |
|                              | Examiner<br>Dawn Garrett      | Art Unit<br>1774              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 and 28-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 12, 14-26 and 28-37 is/are rejected.
- 7) ☒ Claim(s) 10 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/4/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3-7-05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office action is in response to the amendment dated January 11, 2005. Claim 1 was amended. Claim 27 is cancelled. Claims 1-26 and 28-37 are pending.
2. The objection to claim 27 set forth in the last Office action is withdrawn due to the cancellation of claim 27.
3. The rejection of claims 7-24, 27, and 29-32 under 35 USC 112, second paragraph, set forth in the last Office action, paragraphs 2-5, are withdrawn due to the amendment.
4. The terminal disclaimer filed on January 11, 2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of co-pending application number 10/700,894 has been reviewed and is accepted. The terminal disclaimer has been recorded. The double patenting rejection of claims 1-37 set forth in the last Office action, paragraph 7, is withdrawn.
5. Claims 1, 5-9, 11-12, 14, 18-26, and 28-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. (JP 04-335087). Sato et al. discloses an organic electroluminescent element comprising a light-emitting hole injecting and transporting layer comprising a dopant naphthacene derivative according to formula (I) that comprises a substituent group such as an aromatic ring that may be substituted with alkoxy groups or halogen groups (see Sato abstract). Although Sato et al. does not exemplify compounds with oxy groups according to the claimed formulas, it would have been obvious to one of ordinary skill in the art at the time of the invention to have selected alkoxy-containing naphthacene derivatives for the Sato et al. device according to the presently claimed compounds, because Sato et al. generally teaches all the

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required substituents for naphthacene derivatives according to the instant claims. Because the Sato et al. naphthacene derivatives may have all the same substituents required by the presently claimed dopant compounds, the properties set forth in claims 28, 33, and 34 are deemed to be inherently met by the Sato et al. compound(s). Sato et al. teaches the naphthacene derivative is doped into an amine compound per instant claims 25-26 (see par. 22). Sato et al. further teaches the amount of dopant with respect to the host material is in the range of  $10^{-3}$  mol % to 10 mol % (see par. 25) with regard to claims 5, 6, 30, and 31.

6. Claims 2-4 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. (JP 04-335087) in view of Lin et al. (US 2003/0099860 A1). Sato et al. is relied upon as set forth above. Sato et al. fails to teach a white light emitting device. Lin et al. teaches, in analogous art, white light emitting devices are desirable in the art and may be formed by combining red, blue, and green emitting colors to form a white light source (see par. 14). In addition, it is known in the art to use color conversion layers (filters) to convert light of different colors to white light (see par. 12). It would have been obvious to one of ordinary skill in the art to have made a white light emitting device by adding either a blue emitting compound to the Sato et al. device or a color filter, because Lin et al. teaches white light emitting devices are desirable in the art and addition of color layers or filters are ways of achieving white light emission.

***Allowable Subject Matter***

7. Claims 10 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Sato et al., discussed herein, is considered to be the closest prior art. Sato et al. fails to disclose the specific substituent groups required by claims 10 and 13.

***Response to Arguments***

8. Applicant's arguments with respect to claims 1-26 and 28-37 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dawn Garrett whose telephone number is (571)272-1523. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached at (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dawn Garrett  
Primary Examiner  
Art Unit 1774

D.G.  
April 7, 2005